

Notice of Allowability

Application No.

10/645,670

Examiner

Long K. Tran

Applicant(s)

SHIMOMURA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 8, 2005.
2. ☒ The allowed claim(s) is/are 1 - 34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

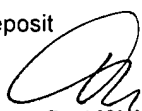
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



David Nelms
Supervisory Patent Examiner
Technology Center 2800

DETAILED ACTION

Election/Restrictions

1. The restriction requirements in Office Action, mailed on August 3, 2005, have been withdrawn by the examiner.

Response to Amendment

2. This office action is in response to Amendment filed on June 8, 2005
3. Claims **1, 4 – 10, 13, 14, 16, 17** and **18** have been amended.
4. Claims **19 – 34** have been added.
5. Claims **1 – 34** are presented for examination.

Allowable Subject Matter

6. Claims **1 – 34** are allowed.
7. The following is an examiner's statement of reasons for allowance: Claims **1 – 34** are allowable over the prior art of record because none of the prior art whether taken singularly or in combination, especially when these limitations are considered within the specific combination claimed, to teach:

A swing-type display having: control section for displaying an image in a trajectory of a swing and a displayed image appearing as mixed color of a predetermined color from first light-emitting elements and of a color from second light-emitting elements as cited in the independent claims 1, 19; an optical guide includes a first face opposing the light-emitting surfaces; a second face is opposite from the first face and is mat-finished to diffuse the light propagating through the optical guide as cited in the independent claims 4 and 21; a tilt sensor includes a ball which is capable of reciprocating between a first position and second

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position in synchronization with the swing of the display device as cited in the independent claims 8 and 25; partitions located between adjacent ones of the light-emitting elements for restricting directions of light outputted; a plurality of convex portions formed on at least one of the first and second faces, each shaped as ridge extending along the direction of the swing as cited in the independent claim 10; a control section for displaying an image having a multiple colors in a trajectory of a swing as cited in the independent claims 27 and 30; and among other limitations as cited in the independent claims 1, 4, 8, 10, 19, 21, 25, 27 and 30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long K. Tran whose telephone number is 571-272-1797. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Long Tran 

October 26, 2005



David Nelms
Supervisory Patent Examiner
Technology Center 2800